

Appln No. 10/089,406  
O. Colette et al.  
Office Action dated June 29, 2004

### REMARKS/ARGUMENTS

The Examiner is thanked for the Official Action dated June 29, 2004. This amendment is intended to be fully responsive thereto.

No new matter has been added.

#### Objections

##### In the specification

1) The specification has been amended in line with the Examiner's recommendations to overcome informal rejections. Applicants have corrected the abbreviation PTC, the numbering of control unit 10, and the obvious misspelling to convert to overcome this objection.

#### Objections

##### In the Claims

2) Claim 1 was objected due to an inadvertent error in labeling of control unit 6. Applicants have corrected this error to overcome this objection. No new matter has been added.

3) Claim 1, 4, and 10-12 were objected to because the word of "capable of" were included therein and the words "capable of obtaining" have been removed from present claims 1-4 and is capable of obtaining removed from claims 10-12 and replaced with "obtains", to overcome these rejections.

##### Claim Rejections

4-6) Claims 2-3 have been rejected under 35 USC 112, second paragraph, as "indefinite for failing to particular point out and distinctively claim the subject matter which Applicant regards as the invention" due to their use of "such way as" language. The "such way as" language has been removed from the claims to now particularly point out and distinct claim subject matter of Applicants' invention.

7-8) Claims 1-12 have been rejected as been anticipated by Frugier et al (US 6,411,059) ("Frugier").

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In his rejection, the Examiner states that there is an inverter 24, and switch 52 controlled by detector 58, reads on the test unit 6 of the present invention. Applicant must respectfully disagree.

As stated on page 1, lines 37-40 and page 2, lines 1 and 2, a device "capable of *protecting the electrical source (emphasis added)* of a vehicle in such a way that it always remains available to ensure certain essential safety functions" is the problem solved by the present invention.

Referring to Figures 1 and 2, one sees an independent electrical source (2) such as an accumulator battery or alternator or fuel cell that supplies an electrical unit (either directly or indirectly) and a test unit that relates to this electrical source which supplies the electrical component and sends a signal to the control unit (the signals leading directly to a test unit (6) which sends the signal to the control unit 10).

The invention of Frugier, as is clearly demonstrated in its specification and in drawing one, provides for a control circuit which includes a potentiometer and a control switch. In addition, as the Examiner has stated in point 8, switch 52 is controlled by a detector 58, associated with the air conditioning circuit 16 and suitable for making it change.... (see column 4, lines 45-48 of Frugier). In addition, as it contains on lines 49-54, the detector 58 is a "temperature sensor associated with the evaporator 22 and suitable for detecting an icing temperature....", that means when the evaporator is too cold the switch is automatically changed from one position to the other. As can be seen on Figures 1 and 2, of Frugier, there is no electrical source such as an accumulator battery or fuel cell to act directly to on the test unit (see Figs. 1 and 2 of Frugier and Figures 1,2,3 and 4 of the present invention where electrical source (2) is clearly positioned as illustrated).

In the present case, there can also be an inverter (12) and a switch 70. The switch being part of the adjustment means (60). However, the test unit 6 delivers a signal based on the level of availability of the electrical source (2). The test unit is directly connected to the electrical source (2). In Frugier, the detector is not directly connected to such an electrical source. Since the purpose of Frugier is not the same as the present invention, there would be no reason to require the detector 58 to be connected to such a source.

#### Additional Corrections

Claim 5 has also been amended to correct an inadvertent typographical error leading to the word "to" being omitted in the claim. No new matter has been added.

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Conclusion

It is respectfully submitted that claims 1-12 are now in condition for allowance. Should the Examiner believe further discussion regarding the above amendments is necessary, they are invited to contact the undersigned at the number listed below.

Respectfully submitted:

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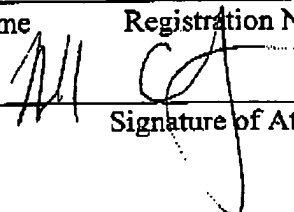
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